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SENATE BILL 158 By
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HOUSE BILL 208
By Westmoreland

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 1, relative to theft detection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 39-14-153.

(a) A person commits the offense of unlawful use of a theft detection shielding device who knowingly manufactures, sells, offers for sale or distributes in any way a laminated or coated bag or device peculiar to and marketed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

(b) A person commits unlawful possession of a theft detection shielding device who knowingly possesses with the intent to commit theft or retail theft any laminated or coated bag or device peculiar to and designed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

(c) A person commits unlawful possession of theft detection device remover who knowingly possesses any tool or device designed to allow the removal of any theft

detection device from any merchandise with the intent to use such tool to remove any theft detection device from any merchandise without the permission of the merchant or person owning or holding the merchandise.

(d) A person commits unlawful removal of a theft detection device who intentionally removes the device from merchandise prior to purchase.

(e)

(1) A violation of subsection (a) or (d) is a Class E felony.

(2) A violation of subsection (b) or (c) is a Class A misdemeanor.

(f) The activation of an anti-shoplifting or inventory control device as a result of a person exiting the establishment or a protected area within the establishment prior to purchase shall constitute reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator in accordance with the provisions of § 40-7-116.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.